

DETAILED ACTION

1. In view of the Appeal Brief filed on April 28, 2010, PROSECUTION IS HEREBY REOPENED. as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 9 and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant discloses in claims 9 and 25, "computer-readable storage medium...". The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. Appropriate correction is required.

For purpose of prior art rejection, Examiner will construe " computer-readable storage medium" as "a non-transitory computer-readable storage medium".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-16, 18 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omar et al. U.S. 20040170155 in view of Sharma U.S. 20030125953.

Omar teaches the invention substantially as claimed including system and method for providing remote data access for a mobile communication device (see abstract).

As to claims 1, 9-10, 19, 25-26, 32 and 36, Omar teaches a method, a network apparatus, a non-transitory computer-readable storage medium, a method, a system

and a network device for retrieving content over a communication network from a web server, the method comprising:

receiving a request from a browser application for the content in the web server (paragraph [0091]);

modifying the request to include information specifying support as to permit handling of the modified request by the web server in absence of an upstream proxy that is communicating with the web server (paragraph [0124], Omar discloses modifying the request to include other content type);

forwarding the modified request towards the web server (paragraph [0124], Omar discloses the modified request is sent to the web server), wherein the upstream proxy, if present, intercepts the modified (paragraph [100]); and

selectively receiving the content from the upstream proxy over the communication network and forwarding the content to the browser application paragraph [0102]).

Although Omar teaches substantial features of the claimed invention including parsing (paragraph [0033]) and fetching data (paragraph [0048]), Omar fails to teach explicitly pre-fetches service.

However, Sharma teaches information retrieval system including voice browser and data conversion server. Sharma teaches pre-fetch service (paragraph [0049], Sharma discloses prefetching content from pages).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Omar in view of the teaching of Sharma to

provide a parse and pre-fetch service, and pre-fetches the content from the web server for the purpose of minimizing the delay exhibited by the system (paragraph [0049]).

As to claims 2, 11, 20, 27 and 33, Omar teaches a method, a network apparatus and a system according to claims 1, 10, 19, 26 and 32, wherein the upstream proxy in the modifying step retrieves an initial content from the web server, and parses the retrieved initial content, the pre-fetched content being based on the parsed initial content (paragraph [0150], Omar discloses the information content or parts thereof may then be retrieved by the mobile device by submitting a connection request or possibly further transcoding instructions or an alternate transcoder selection to an IP Proxy system).

As to claims 3, 12, 21 and 28, Omar teaches a method, a network apparatus and a system according to claims 1, 10, 19 and 26 wherein the request in the modifying step conforms with a Hypertext Transfer Protocol (HTTP), the method further comprising: inserting the treatment information in an optional field of the HTTP (paragraph [0126]).

As to claims 4, 13, 22 and 29, Omar teaches a method, a network apparatus and a system according to claims 1, 10, 19 and 26, wherein the step of modifying the request is transparent to the browser application (paragraph [0124], Omar discloses that the step of modifying the request took place at the handler 108 web server side, which

is "transparent to the browser or device 12").

As to claim 5, Omar teaches a method according to claim 1, further comprising: receiving another request from another browser application (i.e. "mobile devices") (paragraph [0091]); and forwarding another modified request based on the other request to another upstream proxy, wherein said receiving and forwarding steps are concurrently executed with the steps of receiving the request and modifying the request (paragraph [0124], Omar discloses the modified request is sent to the web server).

As to claims 6, 15 and 35, Omar teaches a method, a network apparatus and a system according to claims 1, 10 and 32, further comprising: communicating with a switching module to receive the request, wherein the switching module including Open Systems Interconnection (OSI) Layer 4 functionality to redirect the request from a network interface (paragraph [0028]).

As to claims 7, 16, 23 and 30, Omar teaches a method and a network apparatus according to claims 1, 10, 19 and 26, wherein the content conforms with a markup language that includes Hypertext Markup Language (HTML) (paragraph [0045]).

As to claim 14, Omar teaches a network apparatus according to claim 10, wherein the proxy concurrently communicates with a plurality of upstream proxies

including the remote upstream proxy paragraph [0040]).

As to claim 18, Omar teaches a network apparatus according to claim 10, further comprising:

a local upstream proxy (item 94) configured to support pre-fetching of content from another web server local to the network apparatus (figure 8).

As to claim 34, Omar teaches a system according to claim 32, further comprising: a plurality of upstream proxies (handlers) in simultaneous communication with the downstream proxy (dispatcher) of the first server for supporting parsing and pre-fetching of content from a respective plurality of web servers (figure 11).

5. Claims 8, 17, 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omar et al. U.S. 20040170155 in view Sharma U.S. 20030125953, further in view of Chatterjee et al. U.S. 6,947,440.

Omar teaches the invention substantially as claimed including dynamic data generation suitable for talking browser (see abstract).

As to claims 8, 17, 24 and 31, Omar teaches a method according to claims 1, 10, 19 and 26.

Omar fails to teach explicitly the communication network includes a Very Small Aperture Terminal (VSAT) satellite network, and the upstream proxy in the modifying step resides in a VSAT in communication with the web server.

However, Chatterjee teaches system and method for Internet page acceleration including multicast transmission. Chatterjee teaches the communication network includes a Very Small Aperture Terminal (VSAT) satellite network, and the upstream proxy in the modifying step resides in a VSAT in communication with the web server (column 14, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Omar and Sharma in view of Chatterjee to provide the communication network includes a Very Small Aperture Terminal (VSAT) satellite network, and the upstream proxy in the modifying step resides in an VSAT in communication with the web server, One would be motivated to do so to allow handling the wireless link 181 with a T1 data rate.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2457